REMARKS

Claims 1-50 had been presented for examination. Claims 1-3, 5-7, 10, 14-19, 27-28, 30-31, 33, 36, 38, 46-47, and 49-50 are amended, and claims 51-52 are added. Reconsideration is requested.

The examiner rejected claims 1-6, 12-22, 24-27, 29-39, and 41-50 under Section 102(e) as being anticipated by a patent publication to Shoff. Applicants traverse this rejection because Shoff does not disclose all of the elements of the claims; furthermore, Shoff does not provide a teaching or suggestion of the claimed systems or methods. While it is believed that the claims already distinguish Shoff, further amendments have been made for clarity and to make the differences clearer.

Claim 1 recites in part "the receiving of program content and episode content occurring by downloading before the beginning of an episode." In the Response to Arguments, the examiner states that "episode content must inherently be downloaded before it can ever be viewed, else [sic] there would be nothing to view." While it may be true that content must be buffered before it can be viewed, the claim says that the receiving of the episode content occurs by receiving components for later display before the beginning of an episode. In Shoff, episode content is not provided before the beginning of the episode.

For this feature, the examiner cites Figure 3 and paragraph 39 of Shoff. But Figure 3 merely shows a table with pointers to a URL or a memory location where supplemental content can be found. That content is not provided before the beginning of the episode but is pointed to for display with the broadcast during the episode. Paragraph 39 similarly states that the program record in the data structure 44 holds pointers to storage locations within the continuous media server 42, which holds the video data streams of the programs corresponding to the program records; i.e., the content is at the head end, and not provided first. Neither Figure 3 nor paragraph 39 (and it is also believed nowhere in the remainder of Shoff) is there any teaching or even suggestion to provide program content and episode content by providing before the beginning of an episode.

In the advisory action, the examiner then refers to Figure 2 and item 42, 44, and 52 that the examiner states "show content being downloaded from servers." The examiner then further cites Figure 6, items 166 and 168 that have a flow chart.

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It is not disputed that Shoff shows interactive content being provided along with broadcast video programs. The difference is that Shoff is providing the content at the same time that the show is being broadcast. This is different from providing content in advance and then causing that content to be displayed by messages sent to the client, such that the client can take stored content and cause it to be displayed. While not the only implementation or advantage, one implementation and advantage of this system is that it allows large amounts of content to be downloaded by users at different times, and then allows short messages to be provided at the same time to many users, thereby allowing the local device to perform the storage before the event and local processing during the broadcast.

Claim 1 further states that the client receives, from the server, messages indicating one of a plurality of types of interactive components related to the episode of the event. The claim goes on to state that the base software uses the messages to cause to be displayed on the display content the component indicated by that message.

In the present application, for example, ten polls, and ten trivia facts, could be downloaded before the beginning of the episode to a user device. The server then sends a message, e.g., "display poll no. 6." Because the content for poll no. 6 has already been downloaded, the message can be short and can cause this previously downloaded content to be displayed. The different types of interactivity in this case could include, for example, a trivia question, a trivia fact, or a poll question.

For this, the examiner had cited paragraphs 15 and 44 of Shoff. Paragraph 15 states that an electronic programming guide (EPG) is stored in memory and is executable on a processor, and that the EPG data field contains a pointer, URL, or other target specification to a target resource that supports the interactive content. Paragraph 44 is similar.

The examiner had taken the position that whether interactivity is on or off constitutes a plurality of types of interactivity. As previously noted, this is not a reasonable interpretation in general, and specifically here makes no sense. The messages are designed to cause the software to cause the identified content to be displayed. The content, according to the claim, has been previously downloaded as indicated by the first subparagraph of the claim. It therefore does not make sense in this document for interactivity being "off" to be a message option from the server because the content would have already been downloaded. The examiner's point, taken to its

logical conclusion, is that content is downloaded, and then the system provides a message saying that there is no content.

Walker, U.S. Patent No. 6,331,144, relates to a trivia game that is provided in conjunction with a slot machine, and is cited as a secondary reference for a rejection under Section 103(a) with respect to claims 7-11, 23, 28, and 40, with Shoff being the primary reference. Walker shows an electronic gaming system that allows a player to play a trivia game with the result improving the gambling odds. Walker also does not disclose providing episode and program content in advance of a program and then using message types from a server to indicate on or another types of interactivity, and the examiner has not cited Walker for this purpose.

Because Shoff does not teach or suggest all of the elements of claim 1, alone or in combination with Walker, claim 1 should be allowable, as should dependent claims 2-16, 42, 43, 51, and 52 for at least the same reasons as claim 1.

Independent claim 17 was also rejected as being anticipated by Shoff. The examiner uses the same citations that were used for claim 1, namely Figure 3, the Abstract, and paragraphs 15, 39, and 44, and Figures 2 and 6 in the advisory action. As indicated above, these references in Shoff do not teach or suggest program content and episode content being provided before the beginning of an episode, and also do not teach or suggest the step of the server providing to the client messages indicating one of a plurality of interactive components related to the episode of the event.

Claim 17 should therefore be allowable, as should dependent claims 18-35, 44, and 45 for at least the same reasons as claim 17.

With respect to claim 36, the examiner continues to cite Figure 2 and paragraphs 14, 15, 29, 31, and 32 as showing the limitations of claim 36. Claim 36 has been amended for clarity to specify that there are message types for indicating content that is on a user device, other content that can be provided from the server, and that the technical director is responsive to content input on the fly. The cited portions of Shoff do not provide any functionality of this types, but as indicated above, has as its primary embodiment, one in which a user has a pointer to a memory location or to a URL to obtain content during an episode of a program. Claim 36 and dependent claims 37-41 should therefore be allowable.

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Claim 46 which had been previously presented has similar limitations to those described above, namely that before the beginning of a broadcast episode, a client receives interactive content particularly to that episode and stores it. Later, during the broadcast episode, the client receives messages from the servers indicating components to be displayed and then causing those components to be displayed. Again, this allows the server to provide short messages to the user that cause the user to display the content that has previously been received from the server and then displayed at appropriate times. It is believed that Shoff and Walker do not teach or suggest such a system, but rather related to providing the content with the broadcast.
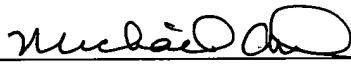
Conclusion

The Shoff reference that is cited by the examiner does relate to interactive content for use with television programs. Applicants have, in fact, cited many references from international search reports and copending applications in this general category as well. Shoff refers to one method for accomplishing this, while the claims relate to other systems and methods that are believed to be not shown or obvious based on any cited references.

All claims should now be in condition for allowance, and accordingly a notice of allowance is respectfully requested. If there are any remaining issues, the examiner is urged to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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